

The plaintiffs have filed this suit against the defendants seeking the relief of partition and separate possession and have filed I.A. No.I under Order XXXIX Rules 1 and 2 of CPC seeking an order of exparte ad-interim temporary injunction restraining the defendants No.1 to 3 and their agents and servants from alienating the suit schedule properties in favour of third parties, till the disposal of the suit.

The learned Counsel for plaintiffs argued that the defendant No.1 is the sister of the plaintiffs and the suit schedule properties are the joint ancestral properties of the plaintiffs and defendant No.1 and the defendant on the strength of her name appearing in the revenue records of the suit properties has executed agreements in favour of defendants No.4 to 7 and if an exparte order of temporary injunction is not granted, the defendants No.1 to 3 will succeed in alienating the suit properties in favour of defendants No.4 to 7 and hence prayed to grant an exparte order.

On perusal of record, the plaintiffs have produced the 2 RTCs in respect of item No.1 and 2 of the suit schedule and they are standing in the name of defendant No.1. The plaintiffs have produced copy of registered agreement of gift and a copy of registered agreement of sale executed by defendants No.1 to 3 in favour of defendant No.4 to 7. If during the pendency of suit, prior to the service of summons, the defendants No.1 to 3 execute the gift and sale deed in respect of

the suit properties in favour of defendants No.4 to 7, it will lead to multiplicity of proceedings. Thus in order to keep the suit properties in tact, it is just and proper to grant an exparte order restraining the defendants No.1 to 3 from alienating the suit properties. Hence I proceed to pass the followisng :

ORDER

An exparte order of temporary injunction is granted restraining the defendants No.1 to 3 from alienating the suit schedule properties, till next date of hearing.

The plaintiffs shall comply the provisions of Order XXXIX Rule 3(a) and (b) of CPC.

Issue Notice of I.A. No.I and suit summons to Defendants No.1 to 3 and suit summons to defendants No.4 to 7.

Returnable by.... 13.10.2020

Senior Civil Judge,
Gubbi